COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: Use of force, "Tibial Plateau" fracture (knee fracture)

IAB FILE NUMBER: FO 2375679

URN#: 915-04156-1182-391

DATE/ TIME: March 8, 2015, Sunday, 0230 Hours

LOCATION: [redacted] Sondi Drive, Lancaster

SYNOPSIS:

On March 8, 2015, at approximately 0230 hours, Mr. [redacted], (Witness [redacted]) an 18 year old male, and his 12 year old [redacted] (Witness [redacted]) were watching television in the living room of their residence, located at [redacted] Sondi Drive, in the city of Lancaster. Witness [redacted] heard a noise, as if someone was opening the front door to their home. Witness [redacted] walked toward the front door and saw it was slightly opened. He then saw a foot step inside from behind the door. Witness [redacted] took hold of the door knob, swung the door open, and saw a male, later identified as [redacted] (Suspect [redacted] standing there.

> **IAB Note: Suspect [redacted] was a minor (16 years old) and was referred to as a "subject" in the criminal investigative reports. For administrative purposes, he will be referred to as a "suspect" in this case summary.**

Suspect [redacted] quickly turned around and began running south, away from the location. Believing Suspect [redacted] had attempted to break into his home, Witness [redacted] ran after him and caught him on the street, approximately 25 yards from his (Witness [redacted]s) residence. Witness [redacted] jumped on Suspect [redacted]s back, and took him to the ground. Witness [redacted] and Suspect [redacted] wrestled on the ground as Witness [redacted] shouted for someone to help him. A [redacted], [redacted] (Witness [redacted] responded and took hold of the suspect's legs, preventing him from getting back up.

Witness [redacted] dialed 9-1-1 and told Lancaster Station desk personnel that someone attempted to break into their home and was being detained on the street by her [redacted] Witness [redacted] Unit 113, Deputies Candice Bivins, #[redacted], and Donald Nelson, #[redacted] responded to the location regarding a burglary in progress call, Tag 25.

Deputies Bivins and Nelson arrived on scene and directed Witness [redacted] to release the suspect. As the deputies approached the suspect, he (suspect) attempted to run away, but was quickly detained by the two deputies. The deputies ordered the suspect to get back down on the ground, but he refused to follow their orders. The deputies conducted a team takedown maneuver of the suspect, who landed on the ground, onto his stomach. When the suspect attempted to lift himself up, Deputy Nelson placed his left shin across the suspect's left shoulder blade and grabbed the suspect's left wrist with both his hands. The suspect struggled with the deputies and resisted their efforts to handcuff him. They were eventually able to handcuff the suspect.

IAB Note: Deputies Bivins and Nelson documented the incident, including the force utilized, in an Incident Report and Supplemental Reports [EXHIBIT A].

The suspect was initially arrested for trespassing, but after additional investigation, it was determined that the suspect had stolen items from Witness [redacted] Witness [redacted] vehicle, which had been parked in the driveway of the residence. It was also determined he entered the victim's residence with the intent to commit petty or grand theft, and he was subsequently charged with burglary.

IAB Note: Lancaster Detective Sergeant Christopher Bergo, [redacted] subsequently interviewed the suspect and also authored a Supplemental report [EXHIBIT A].

Suspect [redacted] was transported to Antelope Valley Hospital, and treated for his injuries. During treatment, it was determined he sustained a fracture to his right knee during the incident.

IAB Note: Suspect [redacted]s booking packet is included in this case book. See [EXHIBIT B]. Photographs of Suspect [redacted] are also included [EXHIBIT C].

Internal Affairs Bureau Lieutenant Todd Weber, along with Sergeants Carlos Flores and Kevin Pearcy, responded to the location to conduct a review of the incident. The following review is based on written documentation and interviews of witnesses, involved deputies, and the suspect.

INVOLVED EMPLOYEE AND WORK HISTORY

Candice Bivins, Deputy Sheriff, #[redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: March 18, 2009

Date Assigned to Unit: February 3, 2013
Date Completed Patrol Training: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Equipment Worn On Person

Beretta 92F, with light
Oleoresin Capsicum (OC) Spray
Two Magazines
Expandable Baton
Two sets of handcuffs
Handheld radio

Donald Nelson, Deputy Sheriff, #[redacted]
North Patrol Division
Lancaster Station

Work History

Date of Employment: December 17, 2008
Date Assigned to Unit: September 7, 2014
Date Completed Patrol Training: [redacted]
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Equipment Worn On Person

Beretta 92F
Oleoresin Capsicum (OC) Spray
Three Magazines
Expandable Baton
Two sets of handcuffs
Flashlight
Handheld radio

SUSPECT INFORMATION

[redacted]
Male, White, DOB: [redacted], 6'05", 175
[redacted]
CII [redacted], MAIN [redacted], FBI [redacted]

The Consolidated Criminal History System revealed that Suspect [redacted] had not been arrested in the past. Suspect [redacted] showed no previous convictions in his record.

IAB Note: A copy of Suspect [redacted]'s criminal history is included in this case book [EXHIBIT D].

SUSPECT'S INJURIES

Suspect [redacted] was transported to the Antelope Valley Hospital to be treated for his injuries. Suspect [redacted] was treated by Doctors Daniel Khodabakhsh and Michael Gertz. They diagnosed his ([redacted]'s) injury as a "Tibial Plateau Fracture." Suspect [redacted] also had visible abrasions to both hands.

IAB Note: The Tibia Plateau is the upper portion of the shinbone, which helps form the knee joint. The medical treatment documentation will be kept with the investigator's file.

On the day of the incident, March 8, 2015, at approximately 1400 hours, the Lancaster Station Day Shift Watch Commander, Sergeant Sean Boog called the Antelope Valley Hospital and spoke with Doctor Gertz. Doctor Gertz advised Sergeant Boog the suspect had been initially treated by Doctor Khodabakhsh, and he (Doctor Gertz) conducted follow up in regard to the CAT Scan results. Doctor Gertz advised Sergeant Boog the suspect sustained a fracture to his right knee, but did not know how the injury occurred.

IAB Note: Sergeant Boog's conversation with Doctor Gertz was recorded by the station telephone recorder. A Compact Disc containing the audio recording is included in this case book [EXHIBIT H].

On March 17, 2015, at approximately 1003 hours, Sergeant Boog responded to the Antelope Valley Hospital and spoke with Doctor Khodabakhsh. Doctor Khodabakhsh acknowledged he treated Suspect [redacted] on March 8, 2015. Doctor Khodabakhsh stated that initially, an X-Ray was taken of Suspect [redacted]s right knee, and then a CAT Scan was initiated. The CAT Scan indicated the suspect sustained a fracture to his knee. Doctor Khodabakhsh stated typically that type of injury is caused by a fall or by striking the knee with a hard object. He said the injury would be consistent with a fall to the asphalt or street.

Doctor Khodabakhsh said the suspect also had a mild abrasion to his left knee, but did not complain of any pain. He did not remember seeing or treating any other injuries. Doctor Khodabakhsh stated the suspect was intoxicated.

IAB Note: The medical treatment documentation indicated the suspect was also "seen for alcohol intoxication." Sergeant Boog digitally audio recorded his conversation with Doctor Khodabakhsh. A Compact Disc containing the audio recording is included in this case book [EXHIBIT E].

DEPUTY PERSONNEL INJURIES

There were no injuries to any of the involved deputies.

PHYSICAL EVIDENCE

No physical evidence was collected by Internal Affairs Bureau investigators or Lancaster Station deputies.

INVESTIGATOR'S OBSERVATIONS

Upon arrival, the Internal Affairs Bureau Investigators examined the scene. Sondi Drive is a "[redacted]" street that runs in a north/south direction. The street is approximately 30 feet wide, and has a raised curb. Both sides of the street, east and west, are defined by sidewalks. [redacted] Sondi Drive is located on the east side of the street. It is the [redacted] on the street.

> IAB Note: **Photographs of the scene were taken by Internal Affairs Bureau Sergeant Kevin Pearcy. A map of the area and the printed photographs of the scene are included in this case book, as MISCELLANEOUS DOCUMENTS.**

WEAPON USED BY DEPUTY PERSONNEL

The involved deputies utilized a team "take down" technique and control holds. They did not utilize any weapons.

WEAPON USED BY SUSPECT [redacted]

Suspect [redacted] did not use any weapons during the incident. He resisted the deputies' efforts to handcuff him.

PROPERTY DAMAGE BY SUSPECT [redacted]

There was no property damaged during this incident.

CRIMINAL INVESTIGATOR AND CHARGES FILED

Investigator: Lancaster Station Detectives - Detective Daniel Mahoney, #[redacted]
Sergeant Christopher Bergo, #[redacted]

Court: Antelope Valley Court

Charges: 459 PC, 148(a)(1) PC, 647(f) PC, 602.5(a) PC

IAB Note: **On June 18, 2015, the Los Angeles District Attorney's Office filed the following charges against Suspect [redacted] 148(a)(1), 647(f), 484(a), and 602.5(a). On August 13, 2015, Suspect [redacted] was sentenced to probation. Stipulations of his probation include: 40 hours of community service, pay restitution fine to victim's fund in the amount of $50.00, and must prepare letter of apology to victims no later than October 8, 2015. Suspect [redacted] has future court appearances scheduled for February 11, 2016, and August 11, 2016 [Exhibit D].**

LIGHTING AND WEATHER CONDITIONS

The incident occurred on the street (Sondi Drive), during night time hours (0230). There was ambient lighting from the three streetlights on Sondi Drive.

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions. IAB investigators reviewed all reports authored by the involved deputies and determined they were consistent with their IAB Administrative Force Review interviews.

WITNESS STATEMENTS

WITNESS [redacted]

Witness [redacted]s an 18 year old male who resides at [redacted] Sondi Drive in the city of Lancaster. He was interviewed by Lancaster Station Sergeant Francois Chang, #[redacted], immediately after the incident occurred. The interview was conducted in front of Witness [redacted]'s residence, and was video recorded. Witness [redacted] was interviewed a second time on March 8, 2015, at 1917 hours, by Internal Affairs Bureau Sergeants Carlos Flores and Kevin Pearcy. The interview was conducted at Witness [redacted]'s residence. Following is a summary of the interviews:

IAB Note: **A DVD containing the video recorded interview of Witness [redacted], which was conducted by Sergeant Chang is included in this case book [EXHIBIT F].**

Suspect [redacted] attempted to enter Witness [redacted]'s residence, then fled. Witness [redacted] chased the suspect onto the street, jumped on the suspect's back, and grabbed his shoulders. The suspect fell forward, landing first on his knees. He continued falling, landing flat on the ground. Witness [redacted] fell on top of the suspect and attempted to hold him, by placing him in a "headlock." When Witness [redacted] initially took the suspect down to the ground, he said he used "brutal force," with "everything I had." As Witness [redacted] and Suspect [redacted] "grappled" on the ground, he (Witness [redacted])

yelled out for someone to come help him. The suspect was attempting to break free, but Witness [redacted] was able to keep him down.

Witness [redacted] struggled alone with the suspect for two to three minutes. His neighbor (Witness [redacted]) approached and took hold of the suspect's feet. Approximately one minute later, the deputies arrived.

When the deputies arrived, they told him to let the suspect go. He released the suspect and quickly told the female deputy what had occurred. While he gave the female deputy a quick statement, the suspect was not restrained and tried to get up. The suspect got up to his knees, but the deputies each grabbed a shoulder area, with one deputy on each side of the suspect. Utilizing their body weight, the deputies took him back down to the ground. The deputies then "set" the suspect back down on the ground and did not "throw" him down. The deputies' actions with the suspect, in regard to taking him back down to the ground, were controlled and appeared to be "a slow movement." Once the suspect was lying flat on the ground, the deputies attempted to handcuff him. It appeared the suspect was resisting the deputies' efforts to put his hands together behind his back. From the time the deputies arrived, to the time the suspect was handcuffed, he estimated to be 25 to 30 seconds. Witness [redacted] said the deputies did not punch or kick the suspect, and did not use "over than necessary force."

When the deputies arrived and told him to release the suspect, he rolled off the suspect and stood approximately 20 feet away. There was plenty of lighting from the street lights and from the deputies' patrol unit. When the deputies were attempting to handcuff the suspect, he could hear them tell the suspect to stop resisting. Witness [redacted] sustained several "scrapes and bruises," while struggling with the suspect.

WITNESS [redacted]

Witness [redacted] is a 38 year old female who resides at [redacted] Sondi Drive in the city of Lancaster. She is Witness [redacted]s [redacted] She was interviewed by Lancaster Station Sergeant Francois Chang, #[redacted], immediately after the incident occurred. The interview was conducted in front of Witness [redacted]s residence, and was video recorded **[EXHIBIT F]**. Witness [redacted] was interviewed a second time on March 8, 2015, at 1950 hours, by Internal Affairs Bureau Sergeant Carlos Flores and Lieutenant Todd Weber. The interview was conducted at Witness [redacted]s residence. Following is a summary of the interview:

Witness [redacted]s [redacted] Witness [redacted]) woke her and told her a man tried to break in their home. Witness [redacted] also told her that her [redacted] (Witness [redacted] was "wrestling" with the suspect outside. Witness [redacted] exited her home and approached her [redacted], who was struggling with the suspect on the street. Her neighbor (Witness [redacted]) was also present and was holding the suspect's feet. Witness [redacted] pointed her pellet gun at the suspect and told him to stop fighting or she would shoot him. The suspect told her to shoot him.

Approximately 30 seconds after she approached her [redacted] and the suspect, the first Sheriff's Department patrol unit arrived. The unit contained two deputies, who exited their patrol vehicle and approached the suspect. The deputies told Witness [redacted] to release the suspect, and he [redacted] complied. When Witness [redacted] released the suspect, he (suspect) attempted to get up and run away. The two deputies stood on each side of the suspect and somehow took the suspect back down to the ground. She was unsure of what technique the deputies utilized to get the suspect down, but believed the deputies pushed him down to the ground.

Once the deputies had the suspect back on the ground, she turned away and attempted to escort her [redacted] away from the area. Witness [redacted] did not see when the deputies handcuffed the suspect. She also did not see the deputies punch or kick the suspect, or use any type of weapon.

Witness [redacted] saw the deputies escort the suspect to one of the patrol vehicles. It appeared the suspect was limping as he walked. Based on what her [redacted] (Witness [redacted]) told her, she believed the suspect was limping due to the contact the suspect had with him.

WITNESS [redacted]

Witness [redacted] is a 12 year old female who resides at [redacted] Sondi Drive in the city of Lancaster. She is Witness [redacted]s [redacted] and Witness [redacted]s [redacted]. Witness [redacted] was interviewed on March 8, 2015, at 1942 hours, by Internal Affairs Bureau Sergeant Carlos Flores and Lieutenant Todd Weber. The interview was conducted at Witness [redacted]'s residence. Following is a summary of the interview:

Witness [redacted] was outside when the deputies arrived on scene. She saw her [redacted] "rolled off" of the suspect, at which point the suspect attempted to get up and "take off," meaning run away. The two deputies, one female and one male, grabbed the suspect by the wrists and told him to get on the ground. Witness [redacted] saw the suspect voluntarily get on the ground, first on his knees, and then laid down flat. The suspect was handcuffed. She said it did not appear the suspect resisted the deputies' efforts to handcuff him. The deputies then helped the suspect walk to one of the patrol cars because it appeared the suspect was limping. Witness [redacted] said it appeared the suspect was moving his shoulders from side to side as the deputies escorted him to the patrol vehicle.

After the deputies handcuffed the suspect, more deputies arrived. She did not see any deputy hit or kick the suspect. She said the deputies "guided" the suspect to the ground. It appeared to her, the suspect was "high" on something.

IAB Note: **Witness [redacted] was listed on Deputy Bivins Incident Report as "[redacted]" [redacted]. Her true name is "[redacted]."**

WITNESS [redacted]

Witness [redacted] is a 37 year old female who resides at [redacted] in the city of Lancaster. She was interviewed by Lancaster Station Sergeant Francois Chang, #[redacted] immediately after the incident occurred. The interview was conducted in front of Witness [redacted]s residence, and was video recorded **[EXHIBIT F]**. Witness [redacted] was interviewed a second time on March 8, 2015, at 2015 hours, by Internal Affairs Bureau Sergeant Carlos Flores and Lieutenant Todd Weber. The interview was conducted at Witness [redacted]'s residence. Following is a summary of the interview:

Witness [redacted] heard somebody screaming in front of her residence. She looked out her window and saw the suspect [redacted] and her neighbor (Witness [redacted]) on the street, "rolling around." Witness [redacted] had his arms around the suspect's neck and was screaming for the neighbors to "wake up." She called 911 and reported that two men were fighting in the street, and was told by the station personnel that deputies had already been dispatched to the area. Witness [redacted] stated another neighbor (Witness [redacted] arrived and assisted Witness [redacted] by holding on to the suspect's feet.

Witness [redacted] went outside and saw when the deputies drove onto their street. When the deputies arrived, Witness [redacted] was on top of the suspect, who was face down on the street. Initially, one patrol vehicle arrived, containing two deputies. She described the deputies as a female driver and male passenger.

The deputies approached and told Witness [redacted] to get off the suspect, which he did. The deputies directed the suspect to stay where he was, but the suspect got up on his feet and attempted to run. The suspect appeared hurt and was limping. The suspect was able to take two or three steps before the male deputy took hold of him and told him to get back down. She saw the male deputy take the suspect back down to the ground, and believed he (deputy) used his body weight. The takedown was "not rough," and it appeared the deputy put the suspect down quickly and with little effort. She was not certain what technique the deputy used to put the suspect down. Witness [redacted] said she was approximately 10 feet away from the deputy and suspect when the deputy took him down to the ground.

Once the suspect was on the ground, he did not appear to be struggling with the deputies. She did not see the deputies hit or kick the suspect, nor did they use any weapons. Witness [redacted] did not witness the deputies handcuff the suspect because she went back inside her residence to put on a coat. When she returned outside, she saw the suspect was already off the ground and was being escorted to one of the patrol vehicles by the deputies. She saw the suspect was limping as he was escorted. She then saw the paramedics and an ambulance arrive. Witness [redacted] felt the deputies did a "wonderful" job in dealing with the situation.

WITNESS [redacted]

Witness [redacted] is a 40 year old male who resides at [redacted] in the city of Lancaster. He is Witness [redacted]'s [redacted] Witness [redacted] was interviewed on March 8, 2015, at 2016 hours, by Internal Affairs Bureau Sergeant Kevin Pearcy. The interview was conducted at Witness [redacted]s residence. Following is a summary of the interview:

At approximately 0200 hours, his [redacted] (Witness [redacted] heard a commotion outside in front of their home, and woke him (Witness [redacted] up. He went outside and saw a male deputy holding on to one of the suspect's arms, and was either pushing or pulling him down to the ground. The deputy was able to take the suspect down to the ground in a "controlled" manner and not in any "hard" manner. Once the suspect was on the ground, he moved around slightly, but was told by the deputies to stop moving, and he complied. The deputy handcuffed him. Witness [redacted] did not focus on the female deputy and does not know what actions she took, besides assisting in handcuffing the suspect. The male deputy placed one of his knees on the suspect's upper back/neck portion of his body as the deputies handcuffed the suspect.

After the suspect was handcuffed, he remained on the ground for approximately two minutes, at which point the deputies allowed him to get up. The deputies then escorted him to one of the patrol vehicles. He saw the suspect limping as he walked. He did not see any actions by the deputies that would have caused the suspect an injury, causing him to limp. Witness [redacted] was approximately 25 feet away when the deputy was taking the suspect down to the ground. He then walked within 10 feet of where the deputy and suspect were. Witness [redacted] did not hear the suspect say anything during the incident.

WITNESS [redacted]

Witness [redacted] is a 48 year old male who resides at [redacted] in the city of Lancaster. He was interviewed on March 8, 2015, at 1946 hours, by Internal Affairs Bureau Sergeant Kevin Pearcy. The interview was conducted at Witness [redacted]s residence. Following is a summary of the interview:

Witness [redacted] and his [redacted] (Witness [redacted] were awakened by screams coming from outside. His [redacted] went to look outside and saw her [redacted] (Witness [redacted]) was involved in a fight on the street and was screaming for help. His [redacted] then woke him (Witness [redacted], and told him what was occurring.

Witness [redacted] went outside in order to assist Witness [redacted], who was lying on the ground with the suspect. Witness [redacted] had the suspect in a "headlock" and both were moving around. Witness [redacted] approached the suspect and placed his hands on the suspect's shins in order to control his legs. He could smell "alcohol" emitting from the suspect's body, and it appeared as though the suspect was intoxicated.

Besides utilizing his hands, he knelt and placed his legs on top of the suspect's legs in order to prevent him from standing up. He was still holding the suspect's legs when the deputies arrived on scene. When the deputies exited their vehicle, they walked toward him, at which point he (Witness [redacted] let go of the suspect. He then began walking away, toward his residence.

The deputies approached the suspect, at which point Witness [redacted] let the suspect go. The deputies took hold of the suspect, who was already laying on the ground and turned him over. The deputies then handcuffed the suspect. The suspect struggled with the deputies as he was being handcuffed. He does not know if the deputies used other techniques to control the suspect, as he (Witness [redacted] walked away as soon as the deputies arrived and did not see anything further. Witness [redacted] did not see when the deputies stood the suspect up on his feet, nor when they escorted him to a patrol vehicle.

WITNESS [redacted]

Witness [redacted] s a 38 year old female who resides at [redacted] in the city of Lancaster. She was interviewed on March 8, 2015, at 2000 hours, by Internal Affairs Bureau Sergeant Kevin Pearcy. The interview was conducted at Witness [redacted] s residence. Following is a summary of the interview:

While sleeping, she was awakened by someone yelling outside in front of her home. She looked out one of her windows and saw two men fighting on the street. She advised her husband (Witness [redacted]) of what she observed. She returned to her window and noticed one of the men fighting, was her [redacted] (Witness [redacted]). Witness [redacted] opened her window and asked Witness [redacted] what was happening. He told her the suspect had attempted to break into his home. Witness [redacted]'s [redacted] got dressed and went outside to assist Witness [redacted] She then called 911 via her cell phone, but hung up having never talked to anyone because she saw deputies were already arriving on scene. Witness [redacted] aw her [redacted] had taken hold of the suspect's feet, and Witness [redacted] had a hold of the suspect's upper torso.

Witness [redacted] saw two deputies arrive, one female and one male. She saw the deputies approach and take hold of the suspect. One deputy was on each side of the suspect. When the deputies approached, it appeared the suspect was no longer laying on the ground, but not completely up on his feet either. The deputies kept the suspect down and told him not to resist approximately three times. The suspect was moving around "a lot," as the deputies restrained him. The deputies handcuffed the suspect and stood him up. When the deputies escorted the suspect to the patrol vehicle, it appeared the suspect was limping.

Witness [redacted] lid not see the deputies strike the suspect in any way. She was 15 to 20 feet away when she witnessed the incident. She said the street lights provided plenty of lighting.

INVOLVED EMPLOYEE DEPUTY CANDICE BIVINS

On November 9, 2015, **Deputy Candice Bivins,** [redacted] was interviewed by Internal Affairs Bureau Sergeant [redacted] and Sergeant Anthony Easter. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Bivins chose not to have representation during the interview. Following is a summary of her interview:

Deputy Bivins and Deputy Nelson were working Unit #113. While driving to the call, Deputy Bivins could not remember if she and Deputy Nelson had any conversation, particularly regarding a plan of action, if they encountered the suspect. According to Deputy Bivins, Deputy Nelson coordinated other units and set up a containment via the radio.

Deputy Bivins and Deputy Nelson were the first unit to arrive at the location. Since they were a two person unit, they drove to the scene. As they pulled onto the street, in their marked black and white radio car, Deputy Bivins saw Suspect [redacted] and Witness [redacted] on the ground, fighting in the middle of the street. Deputy Bivins and Deputy Nelson were able to quickly determine who the suspect was, due to several neighbors being out in front of their houses, directing them. Deputy Bivins saw Witness [redacted] on top of Suspect [redacted] with one of his arms around Suspect [redacted]s neck. When Deputy Bivins and Deputy Nelson were approximately five feet away from where Witness [redacted] and Suspect [redacted] were fighting, Witness [redacted] released Suspect [redacted]. Deputy Bivins saw Witness [redacted] pull his arm from around Suspect [redacted]s neck and he rolled off him. Suspect [redacted] then pushed himself up off the ground and tried to run past Deputy Bivins and Deputy Nelson. Before Suspect [redacted] was able to run past them, Deputy Bivins grabbed Suspect [redacted]s right hand and Deputy Nelson grabbed his left hand. As they were holding Suspect [redacted]s hands, Suspect [redacted] continued to run forward, despite Deputy Bivins' and Deputy Nelson's repeated commands for him to get on the ground.

Since Suspect [redacted] tried to pull away from Deputies Bivins and Nelson's grasp, Deputy Nelson put one foot in front of Suspect [redacted]s feet. Deputy Bivins and Deputy Nelson then used Suspect [redacted]s forward momentum, to guide him to the ground, onto his stomach. As they guided Suspect [redacted] to the ground, both Deputy Bivins and Deputy Nelson maintained control of the respective hands they already had control over. When Suspect [redacted] made contact with the ground, he landed directly onto his stomach. He did not hit his knees on the ground. Suspect [redacted] also did not do or say anything that would have indicated he hurt his knee, or had a knee injury.

Once Suspect [redacted] was on the ground, Deputies Bivins and Nelson handcuffed him. After Suspect [redacted] was handcuffed, he continued to struggle for a couple of minutes and then calmed down. Deputy Nelson maintained control of Suspect [redacted], as he waited for assisting units to come. Deputy Bivins approached Witness [redacted] in order to ascertain if there were additional suspects.

Prior to Deputy Bivins and Deputy Nelson's contact with Suspect [redacted], Deputy Bivins saw Suspect [redacted] had abrasions on his face, but he did not complain of any pain or appear to be in any pain.

After assisting units arrived on scene, Deputy Bivins and Deputy Nelson escorted Suspect [redacted] to the radio car, which was parked ten to fifteen feet away. As they walked Suspect [redacted] to the radio car, Deputy Bivins saw Suspect [redacted] limping. Deputies Bivins and Nelson then helped Suspect [redacted] to the radio car. Suspect [redacted] did not complain of any pain at that time, but Deputy Bivins saw that he was having difficulty walking.

Los Angeles County Fire personnel arrived on scene and medically assessed Suspect [redacted]. Fire personnel recommended Suspect [redacted] be taken to the hospital for further evaluation of his knee. Deputy Moreno transported Suspect [redacted] to the hospital, via radio car. At the end of Deputy Bivins' shift, while she was at the station completing paperwork, she was advised Suspect [redacted] had a fractured knee.

INVOLVED EMPLOYEE DEPUTY DONALD NELSON

On November 19, 2015, **Deputy Donald Nelson,** [redacted] was interviewed by Internal Affairs Bureau Sergeant [redacted] and Sergeant Anthony Easter. The interview was conducted at the Internal Affairs Bureau, and was digitally audio recorded. Deputy Nelson was represented by Attorney Sherry Lawrence, from the law office of Green and Shinee. Following is a summary of the interview:

Deputy Nelson was working an overtime shift and was not working his regularly assigned unit. He was working a two deputy unit with Deputy Bivins, who was also working overtime. This was his first time working with Deputy Bivins. Deputy Bivins was driving and Deputy Nelson was the passenger.

When Deputy Nelson and Deputy Bivins received a call of a "Burglary Now," he did not remember if he and Deputy Bivins had a conversation about a plan of action, if they encountered the suspect. However, he took the initiative and coordinated assisting units to the location.

Upon arriving to the location, he remembered the following: They drove northbound on Sondi Lane, which is [redacted] In the [redacted] of the [redacted], he saw two white males on the ground, involved in what appeared to be a physical altercation. He also saw several individuals to the east of them, staring at the individuals on the ground, yelling at them. When Deputy Nelson exited the radio car, he saw Suspect [redacted] lying on his chest, on the asphalt and Witness [redacted] on top of him. He heard Witness [redacted] and Suspect [redacted] moaning and making noises, which were consistent with noises made during a physical altercation. Deputy Nelson used his handheld radio and coordinated responding units to their exact location. He also updated the units as to what was occurring.

Witness [redacted] and Suspect [redacted] then stood up. Deputy Nelson was at least ten yards, but not more than fifty yards away from Witness [redacted] and Suspect [redacted]. Suspect [redacted] then ran southbound, toward Deputy Nelson and Deputy Bivins. Deputy Bivins grabbed Suspect [redacted] right arm and Deputy Nelson grabbed Suspect [redacted]s left arm. Given Suspect [redacted]'s forward momentum, Suspect [redacted] pulled Deputy Nelson and Deputy Bivins approximately three feet, while they were attempting to detain him. Deputy Nelson estimated the time that elapsed from the time he and Deputy Bivins arrived at the location, to the time they put their hands on Suspect [redacted], to be approximately one minute.

Deputy Nelson ordered Suspect [redacted] to lay on the ground because he believed he and Deputy Bivins were unable to control him. Suspect [redacted] refused to comply with his commands. Fearing Suspect [redacted] was going to break their grasp and they were going to lose control of him, Deputy Nelson put his right foot in front of Suspect [redacted]s feet, to stop him from running away. Deputy Nelson was able to stop Suspect [redacted] from running, but Suspect [redacted]s forward momentum kept his body weight moving forward. Suspect [redacted] started falling toward the ground. When Deputy Nelson felt Suspect [redacted]s body weight begin to fall forward, he lifted him back up and prevented him from falling. Both he and Deputy Bivins then guided Suspect [redacted] down to the ground, onto his chest and stomach. At one point, while guiding Suspect [redacted]o the ground, Deputy Nelson's right leg ended up underneath Suspect [redacted]s body. Deputy Nelson did not remember Suspect [redacted]ever going down directly onto his knees, when they guided him down to the ground.

While Suspect [redacted] was initially running toward him and Deputy Bivins, after he stood up from his encounter with Witness [redacted] Deputy Nelson did not remember him limping or struggling in any way, while he was running. Deputy Nelson also did not remember Suspect [redacted] complaining of any pain, prior to his and Deputy Bivins' contact with him. Even when guiding Suspect [redacted] to the ground, Deputy Nelson did not remember him doing anything or saying anything, which would have indicated he had injured his knee.

Once Suspect [redacted] was on the ground, Deputy Nelson repositioned himself, by placing his left shin and knee onto the back side of Suspect [redacted]'s left shoulder blade. Deputy Nelson maintained control of Suspect [redacted], while Deputy Bivins handcuffed him. After Suspect [redacted] was handcuffed, Deputy Nelson saw that Suspect [redacted] seemed to be disoriented and unaware of his surroundings. He described Suspect [redacted] as being unaware of what had been going on, unable to answer simple questions, and unable to speak to his partner, Deputy Bivins, with any clarity.

Deputy Nelson escorted Suspect [redacted] approximately five feet, to the radio car. When asked if Suspect [redacted] appeared to be in pain during this time, Deputy Nelson said Suspect [redacted] appeared to be intoxicated. Suspect [redacted] needed assistance walking to the radio car, and his speech was incoherent. Deputy Nelson could smell the odor of alcohol emitting from Suspect [redacted]s person.

Los Angeles County Fire paramedics treated Suspect [redacted] as he sat in the back seat of the radio car. Suspect [redacted] was transported to Antelope Valley Hospital for further medical evaluation. Deputy Nelson did not know Suspect [redacted] had a fractured knee, until later in the morning, when he was back at the station writing his report.

SUSPECT'S STATEMENTS

Suspect [redacted] was interviewed on several occasions regarding the incident. He was first interviewed by Sergeant Francois Chang [redacted] immediately after the incident occurred. Sergeant Chang was assigned as the field sergeant (Unit 110S) on the night of the incident, and responded to the location of occurrence at the request of the involved deputies.

During Sergeant Chang's interview, Suspect [redacted] stated he had just awakend, and could not remember anything that had occurred. In regard to any injuries he sustained, he stated he was a "little sore, but nothing serious." Suspect [redacted] stated he had not used any narcotics, but had consumed alcoholic beverages. He then reiterated that he could not remember what occurred.

IAB Note: **Suspect [redacted]s interview with Sergeant Chang was conducted at the location of occurrence, and was video recorded. Suspect [redacted] was sitting in the back seat of a patrol vehicle during the interview. A DVD, containing a copy of the video recorded interview is included in this case book [EXHIBIT F].**

Suspect [redacted] was interviewed a second time by Sergeant Sean Boog, #[redacted], who was assigned as the Day Shift watch commander. The interview was conducted on March 8, 2015, at approximately 1205 hours. The interview was conducted at Lancaster Station, and was video recorded.

Suspect [redacted] stated he had just returned to his neighborhood and he was trying to find his residence. He said he walked down the wrong street, approached a residence, and attempted to open the door with his key. He said the key did not work, but the door was unlocked so he opened it. He said he heard someone yelling at him, telling him he was trespassing. Sergeant Boog asked the suspect if the person who had been yelling at him subsequently "tackled" him, and Suspect [redacted] stated, "yes." Suspect [redacted] did not elaborate on how he had been "tackled," nor was he asked to elaborate.

IAB Note: **The location of Suspect [redacted]s residence, was approximately [redacted] of where the incident occurred.**

Suspect [redacted] stated that upon the deputies' arrival, they began asking him questions about what had occurred. He said he was having trouble "walking and standing" so they (deputies) helped him to the back of a patrol vehicle. Sergeant Boog asked the suspect if, in regard to the deputies' interactions with him, they (deputies) were "professional," and

the suspect stated, "Yes, professional." Suspect [redacted] was asked if he had any other injuries or pain other than to his hands and knee, and he stated that he did not. Sergeant Boog again asked the suspect if any of the pain or injuries were a result of his contact with the deputies, and the suspect stated, "No." Suspect [redacted] stated a CAT Scan (Computerized Tomography) had been completed at the Antelope Valley Hospital, and he had been advised he had a fracture to his knee.

During this interview, Suspect [redacted] was asked by Sergeant Boog to raise both his hands in order to show what appeared to be abrasions. Suspect [redacted] also had a brace on his right knee. Sergeant Boog asked the suspect if the injuries were a result of his contact with the deputies or with someone else. Suspect [redacted] stated that he received the injuries due "more" to his contact with someone else, rather than with the deputies. He answered "yes" when asked if it had occurred prior to the deputies' arrival.

IAB Note: **A DVD containing the recording of Suspect [redacted]s Watch Commander interview is included in this case book [EXHIBIT F].**

On March 23, 2015, at approximately 1405 hours, Lancaster Station Detective Sergeant Christopher Bergo, #[redacted], and Lancaster Station Deputy Christopher Voda, #[redacted], responded to Suspect [redacted]'s residence and conducted an additional interview. The interview was digitally audio recorded.

During the interview Suspect [redacted] said he did not remember how he left his house. All he could remember, was opening the door to a house and then being tackled and taken to the middle of the street. Suspect [redacted] initially remembered being inside his house, asleep. When asked what happened next, Suspect [redacted] said he could not remember, however he could remember drinking a large amount of alcohol with his friends, prior to going to bed. After drinking alcohol with his friends, they walked home. Suspect [redacted] described his demeanor while walking home as, "stumbling." Once he arrived home, he went to bed. Suspect [redacted] could not remember any other events up until his encounter at Victim [redacted]s residence.

When Suspect [redacted] arrived at Victim [redacted] house, he put his key in the door and attempted to unlock it, but it did not work. He tried turning the door handle and the door opened for him. After Suspect [redacted] opened the door, he remembered hearing screaming, but could not make out what they were saying. Suspect [redacted] remembered a male "rushing" him, pushing him out to the middle of the street, and tackling him in the middle of the street. He described the takedown, as being a football type tackle. While pushing him out to the middle of the street, he remembered the male screaming something to another individual. Suspect [redacted] remembered being forcefully taken to the ground and choked by the male. He remembered being on the ground, face down, when the deputies arrived. Suspect [redacted] remembered feeling pain throughout this encounter.

When the deputies arrived, Suspect [redacted] believed the deputies tried to stand him up, but was not certain. During this time, he remembered he was still feeling as if he was

under attack. Suspect [redacted] remembered the deputies taking him to the ground again. He could not remember where his hands were at this time, or if he had been handcuffed.

IAB Note: During this interview, Suspect [redacted] seemed confused. At one point in his interview, he said he did not hear or know deputies were present, until after he had been placed in the back seat of the radio car.

When asked if he remembered who treated him in a rougher manner, between Witness [redacted] and the deputies, he said the deputies treated him rougher. When Suspect [redacted] was reminded of how he described the "tackle" type takedown and chokehold by Witness [redacted] in comparison to how he described his encounter with the deputies, he could not substantiate why he felt that way.

Suspect [redacted] remembered the deputies escorting him to the radio car. Once he was in the back of the radio car, he remembered being asked by the deputies if he knew what was going on. Suspect [redacted] told the deputies he did not, and remembered the deputies telling him he was being placed under arrest for burglary. When asked if he would be surprised if he was told he was in possession of property taken from a vehicle, which was parked in front of the location he tried to enter, he said, "Yes."

IAB Note: A Compact Disc containing the audio recording of Sergeant Bergo's interview of Suspect [redacted] is included in this case book [EXHIBIT A]. Sergeant Bergo summarized the interview in a Supplemental Report, which is also included in this case book [EXHIBIT A].

REVIEW OF 911 CALL AND RADIO TRAFFIC

Internal Affairs Bureau Sergeant [redacted] reviewed the audio recording of the 911 call received by Lancaster Station, and the radio traffic associated with the call to [redacted] Sondi Drive. Following is a description of what was heard:

The 911 call was initiated by Witness [redacted], who, though sounding very distressed, was able to maintain her composure and provide the necessary information solicited by the Lancaster Station desk personnel. Witness [redacted] can be heard stating a person is trying to break in to her home and she provided her residence address. Witness [redacted] asked for the deputies to hurry, and advised that her [redacted] Witness [redacted] was outside holding the suspect on the ground. Witness [redacted] answered questions asked by the station desk personnel. Witness [redacted] continuously asked for the deputies to hurry in their response and advised she was very nervous. As Witness [redacted] spoke with desk personnel, she can be heard telling her [redacted] to wake up, and advised her [redacted] that someone was trying to break in to their home.

The station desk personnel asked if Witness [redacted] could provide the suspect's race. She told them she did not know, due to not being able to get a good look at him. She then

advised her [redacted] was with the suspect, in the middle of the street, in front of her home. Witness [redacted] then advised the suspect is a white male, and appeared to be 20 years old. She also advised the suspect was wearing a black "hoodie." Witness [redacted] said she was going to the second floor of her residence, in order to observe and report what type of clothing her [redacted] was wearing. Witness [redacted] then began to cry and subsequently advised the deputies have arrived. Witness [redacted] answered several additional questions and advised the deputies were speaking with her [redacted]. The station desk personnel then told Witness [redacted] to hang up the phone.

IAB Note: A Compact Disc containing the audio recordings of the 911 call and the radio traffic, is included in this case book [EXHIBIT E].